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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/751,036	Applicant(s) HAUMONT ET AL.	
	Examiner James D. Ewart	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment dated 27 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-35, 37, 38 and 42 is/are rejected.
- 7) ☒ Claim(s) 36 and 39-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

1. The applicant's arguments regarding prior art rejections, filed December 27, 2005, have been fully considered by the Examiner, but they are not deemed moot in view of new grounds of rejection.

Claim Objections

2. Claim 34 is objected to because of the following informalities: the claim states "conforming to GPRS or UNTS" and it should be "conforming to GPRS or UMTS". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 33-35 are rejected under 35 USC 103(a) as being unpatentable over Smith et al. (U.S. Patent No. 6,333,973) in view of Hicks, III (U.S. Patent No. 6,304,573) and further in view of Ikeda et al (U.S. Patent No. 5,974,044).

Referring to claim 33, Smith et al. teaches a voice mail server for a cellular network, comprising a receiving means for receiving an incoming voice mail message (Figure 1 & 5 and

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Column 2, Lines 26-31), an adapting means for adapting the voice mail message into a format suitable for transmission by a network channel (Column 5, Lines 1-13), transferring e-mail to the mobile device ((Column 9, Lines 48-56) directly sending a message from a server (Column 7, Lines 39-56) and wherein the voice mail server comprises a single unit (Figure 5, 5600), but does not teach adapting the voice mail message into a format suitable for transmission by a network channel which does not meet a delay requirement for delay-sensitive information, and a transmission means for dispatching the adapted voice mail message to device capable of receiving e-mail after receiving the incoming voice mail message and adapting the voice mail message, wherein the adapting means includes a packetising means for packetising the voice mail message into data packets suitable for packet-switched transmissions. Hicks, III teaches adapting the voice mail message into a format suitable for transmission by a network channel which does not meet a delay requirement for delay-sensitive information (Column 2, Lines 36-45 and Column 8, Lines 1-3), and a transmission means for dispatching the adapted voice mail message to a device capable of receiving e-mail (Column 8, Lines 1-3) after receiving the incoming voice mail message and adapting the voice mail message (Column 2, Lines 36-45), wherein the adapting means includes a packetising means for packetising the voice mail message into data packets suitable for packet-switched transmissions (Column 2, Lines 44-45). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Smith et al. with the teaching of Hicks, III of adapting the voice mail message into a format suitable for transmission by a network channel which does not meet a delay requirement for delay-sensitive information, and a transmission means for dispatching the adapted voice mail message to a device capable of receiving e-mail after

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receiving the incoming voice mail message and adapting the voice mail message, wherein the adapting means includes a packetising means for packetising the voice mail message into data packets suitable for packet-switched transmissions to provide a more cost effective form of voice messaging (Column 3, Lines 2-5). Smith et al. and Hicks,III teach the limitations of claim 33, but do not teach directly sending a voice mail message to a mobile device using data packets. Ikeda et al teaches directly sending a voice mail message to a mobile device using data packets (Column 18, Lines 16-26 and Figure 3). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Smith et al. and Hicks,III with the teaching of Ikeda et al. of directly sending a voice mail message to a mobile device using data packets to regulate or control simultaneous communication when communications by multiple communications methods are competed with each other (Column 1, Lines 6-10). Short messaging is a well-known method of directly sending a message to a mobile device and the Examiner has included other references, which discuss SMS.

Referring to claim 34, Smith et al., Hicks,III and Ikeda et al teach the limitations of claims 34, but do not teach using GPRS or UMTS standards. However these standards were well known in cellular communications at the time for packet data, and as such the Examiner takes Official Notice of such features, asserting that one of ordinary skill in the art at the time of the invention would have considered them for use in the data systems of Smith et al. and Ikeda et al. as they were standardized data systems and messaging methods available at the time.

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Referring to claim 35, Smith et al. further teaches wherein the e-mail message server is adapted to dispatch the e-mail message to an IP or ISDN address of said mobile station (Figures 1 & 5). Hicks, III teaches sending the voice mail via e-mail (Column 7, Lines 44-46).

4. Claims 37-38 are rejected under 35 USC 103(a) as being unpatentable over Smith et al., Hicks, III and Ikeda et al and further in view of Ishida et al. (U.S. Patent No. 6,064,876).

Referring to claim 37, Smith et al., Hicks, III and Ikeda et al. teach the limitations of claim 37, but do not teach queuing the voice mail message into a store-and-forward service, if the addressed mobile station is unable to receive the message, and to inform the mobile station of the stored message when the mobile station becomes reachable again. Ishida et al. teaches queuing the voice mail message into a store-and-forward service (Column 7, Lines 12-16), if the addressed mobile station is unable to receive the message (Column 7, Lines 12-16), and to inform the mobile station of the stored message when the mobile station becomes reachable again (Column 7, Lines 39-42). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Smith et al., Hicks, III and Ikeda et al. with the teaching of Ishida et al. of queuing the voice mail message into a store-and-forward service, if the addressed mobile station is unable to receive the message, and to inform the mobile station of the stored message when the mobile station becomes reachable again to reproduce a message promptly and freely at a mobile station (Column 2, Lines 35-38).

Referring to claim 38, Smith et al., Hicks, III and Ikeda et al. teach the limitations of claim 37, but do not teach queuing the voice mail message into a store-and-forward service, if the addressed mobile station is unable to receive the message, and to dispatch the stored message to the mobile station when the mobile station becomes reachable again. Ishida et al. teaches queuing the voice mail message into a store-and-forward service (Column 7, Lines 12-16), if the addressed mobile station is unable to receive the message (Column 7, Lines 12-16), and to dispatch the stored message to the mobile station when the mobile station becomes reachable again (Column 7, Lines 39-42). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Smith et al., Hicks, III and Ikeda et al. with the teaching of Ishida et al. of queuing the voice mail message into a store-and-forward service, if the addressed mobile station is unable to receive the message, and to dispatch the stored message to the mobile station when the mobile station becomes reachable again to reproduce a message promptly and freely at a mobile station (Column 2, Lines 35-38).

5. Claim 42 is rejected under 35 USC 103(a) as being unpatentable over Smith et al., Hicks, III and Ikeda et al and further in view of Kanazaki (U.S. Patent No. 5,884,160).

Referring to claim 42, Smith et al., Hicks, III and Ikeda et al. teach the limitations of claim 37, but do not teach the voice mail system is adapted to transmit a special message to the mobile station if a voice mail message is not dispatchable within a predetermined period of time. Kanazaki teaches the voice mail system is adapted to transmit a special message to the mobile

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station if a voice mail message is not dispatchable within a predetermined period of time (Column 5, Lines 1-15). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Smith et al., Hicks, III and Ikeda et al. with the teaching of Kanazaki teaches the voice mail system is adapted to transmit a special message to the mobile station if a voice mail message is not dispatchable within a predetermined period of time to prevent the messages from exceeding the storage capacity of the memory (Column 2. Lines 46-48). The Examiner equates an early period with a predetermined period of time.

Allowable Subject Matter

6. Claims 36 and 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reason for allowable subject matter is provided below:

Referring to claim 36, the references cited do not teach wherein the voice mail server is adapted to ***redispatch the voice mail message*** in a predefined manner if the addressed mobile station is unable to receive the message, said predefined manner ***including the repeated redispatchment of the voice mail message*** on a regular or configurable basis for a predetermined period of time.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alanara et al. U.S. Patent No. 6,292,668 discloses communication network terminal supporting a plurality of applications.

Amin U.S. Patent No. 6,006,087 discloses method and system for delivering a voice mail notification to a subscriber using cellular phone network.

Armanto et al. U.S. Patent No. 6,094,587 discloses programming of a telephone's ringing tone.

Beyda et al. U.S. Patent No. 5,889,839 discloses system and method for providing automated message notification in a wireless communication system.

Burke et al. U.S. Patent No. 4,468,813 discloses digital voice storage system.

Christensen et al. U.S. Patent No. 6,081,707 discloses method and apparatus for forwarding a dispatch communication in a communication system.

Gallant et al. U.S. Patent No. 5,802,466 discloses personal communication device voice mail notification apparatus and method.

Gunluk U.S. Patent No. 5,768,509 discloses short message server without local customer database.

Helferich U.S. Patent No. 7,003,304 discloses paging transceivers and methods for selectively retrieving messages.

Josse U.S. Patent No. 6,259,925 discloses retention of radio resource connection for short message service message delivery in a cellular telephone network.

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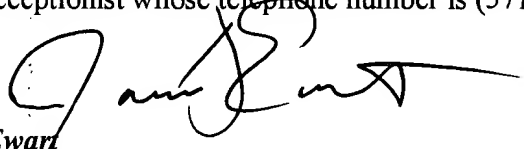
Kambhatla et al. U.S. Patent No. 6,704,394 discloses system and method for accessing voice mail from a remote server.


Kolev et al. U.S. Patent No. 6,188,885 discloses communications systems for transmitting high power voice mail notifications and related methods and user terminals.

Laiho U.S. Patent No. 6,061,572 discloses digital cellular telecommunications with short message service over the packet channel.

Taniguchi U.S. Patent Publication No. 2001/0029176 discloses portable cellular phone system, method for controlling same and storage medium storing control program for controlling same.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.


Ewart
February 27, 2006


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